

Construction Industry Coalition on Water Quality

September 28, 2009

Jimmy Smith, Supervising Engineer
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Public Comments Regarding Revised Tentative Order No. R9-2009-0002, NPDES No. CAS01087420 Waste Discharge Requirements for Discharges or Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of Orange, the Incorporated Cities of Orange County, and the Orange County Flood Control District Within the San Diego Region

Dear Mr. Smith:

On behalf of the more than 3,000 member companies of the Construction Industry Coalition on Water Quality (CICWQ), we would like to thank the San Diego Regional Water Quality Control Board (Regional Board) for the opportunity to offer this public comment on the revised tentative order (Tentative Order or Permit) No. R9-2009-0002. This letter provides brief additional constructive suggestions that we have for the Tentative Order and is in support of those comments we made to the Regional Board previously.

We have two primary concerns with the Tentative Order relating to the use of biofiltration BMPs and exemptions for installation of hydromodification control measures.

Use of biofiltration BMPs-- Section F.1.d (4)(d)(ii)

We appreciate the Board's recognition that properly engineered LID filtration BMPs are available to a project developer to meet the LID performance standard. The Tentative Order language states that "due to the flow through design of biofiltration BMPs, the total volume of the BMP, including pore spaces and prefilter detention volume is allowed to be no less than 0.75 times the design storm volume."

At a minimum, we ask that this section be revised to require that the biofiltration BMPs be designed to retain no less than 75% of the portion of the design storm that is not retained on site. We believe the intent of the Board is to allow biofiltration (or better stated, filtration LID BMPs) BMPs to be used to handle all or a portion of the design storm volume when it is shown through infeasibility that onsite retention BMPs alone cannot handle the total design storm volume. Sizing each and every biofiltration BMP to handle up to 0.75 of the total design storm volume is unnecessary and expensive.

Hydromodification Control Exemptions--Section F.1.h (3)(a)(b)

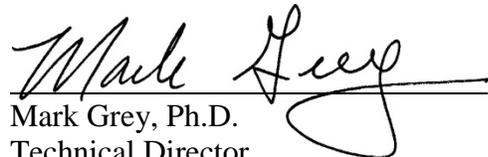
The hydromodification control waivers contained in this subsection should expressly include waivers for projects that do not increase the potential for hydromodification impacts over the existing site conditions, or that discharge to a receiving water that is not susceptible to hydromodification impacts. Suggested edits are as follows:

Waivers may also be implemented for the following projects that do not increase the potential for hydromodification impacts over the existing site conditions:

- (A) Projects within a natural watershed where a geomorphically-based watershed study has been prepared that establishes that the potential for hydromodification impacts is not present.
- (B) Significant redevelopment projects that do not do not increase impervious area or decrease the infiltration capacity of pervious areas compared to the pre-project conditions.
- (C) Projects that discharge directly or via a storm drain to a substantially hardened channel, sump, a lake, area under tidal influence, or other receiving water that is not susceptible to hydromodification impacts.

If you have any questions or want to discuss the content of our comment letter, please feel free to contact me at (909) 396-9993, ext. 252, (909) 525-0623, cell phone, or mgrey@biasc.org.

Respectfully,



Mark Grey, Ph.D.
Technical Director

Construction Industry Coalition on Water Quality